

REMARKS

In the Office Action mailed January 29, 2009, ("the Office Action"), the Patent Office alleged that the "reply filed December 10, 2008 [was] not fully responsive to the prior Office Action because of the following [alleged] omission(s) or matter(s): Applicants have not elected any of the specific protein sequences (A)-(K) as an invention with clarity to examine the elected invention Group XIX in response to [the] previous Restriction requirement mailed on 6/10/2008."

In their previous response, the applicants indicated that the elected enzyme is SMS. The applicants further indicate herein that sequence A is hereby elected.

Also, in the Office Action, the Patent Office further alleged that the "application fails to comply with the requirements of 37 C.F.R. § 1.821-1.825 from the reason(s) set forth on the attached Notice to Comply With Requirements For Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures." That Notice alleged that the "application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(e)." The Patent Office indicated that the Applicant must provide an "initial or substitute computer readable form (CRF) copy of the "Sequence Listing" [as well as] an "initial or substitute paper copy of the "Sequence Listing", [and] an amendment specifically directing its entry into the application." Lastly, the Notice indicated that the applicants must provide a "statement that the content of the paper copy and computer readable copies are the same and, where applicable, include no new matter...."

The applicants note that an initial Sequence Listing was filed on April 30, 2008. A substitute, or corrected, Sequence Listing is filed concurrently herewith. The electronically filed (via EFS-Web) Sequence Listing .txt file constitutes the requisite paper copy and computer readable form (CRF) copy of the Sequence Listing. The Sequence Listing filed concurrently herewith includes no new matter. An amendment specifically directing entry of the Sequence Listing filed concurrently herewith is provided above.

CONCLUSION

Entry of the requested amendments and consideration of the pending claims are respectfully requested. The applicants respectfully submit that the pending claims are allowable.

A Petition for an Extension of Time and fee therefor accompany this Response. With the extension, the Response is due on July 29, 2009.

The applicants urge the Patent Office to contact the applicants' undersigned representative at 312 913 2117, if it is believed such contact would expedite prosecution of the present application. The undersigned authorizes the Patent Office to debit any required fee from Deposit Account No. 13-2490. Prompt issuance of a Notice of Allowability and passage of the claims to issue are respectfully requested.

Respectfully submitted,

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